

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DEUTSCHE BANK NATIONAL :
TRUST COMPANY, as Trustee for :
FFMLT Trust 2006-FF13, Mortgage :
Pass-Through Certificates, Series :
2006-FF13, :

Plaintiff, :

Case No. 3:07CV277

vs. :

District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

JOEY NEWMAN, *et al.*, :

Defendants. :

REPORT AND RECOMMENDATIONS¹

This civil foreclosure action us before the Court upon Plaintiff's Motion To
Dismiss (Doc. #16) the following persons pursuant to Fed. R. Civ. P. 21:

Unknown Spouse, if any, of Joey Newman, 126 South Third Street,
Miamisburg, OH 45342.

Unknown Spouse, if any, of Linda Newman, 126 South Third Street,
Miamisburg, OH 45342.

Unknown Spouse, if any, of Susan Newman, 126 South Third Street,
Miamisburg, OH 45342.

Plaintiff explains that it has been unable to legally identify these persons, and

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

consequently, these persons are not necessary parties to this action.

Rule 21 of the Federal Rules of Civil Procedure provides for severance of claims or parties by stating, in part, “Parties may be dropped or added by order of the court on motion of any parties or of its own initiative at any stage of the case and on such terms as are just....” Because Plaintiff has been unable to legally identify the particular Defendants it seeks to dismiss, Plaintiff has shown good cause for a Rule 21 dismissal as to the above Defendants.

Accordingly, it is hereby **RECOMMENDED** that Plaintiff’s Motion to Dismiss (Doc. #16) be **GRANTED**, and the following persons be DISMISSED under Fed. R. Civ.

P. 21:

Unknown Spouse, if any, of Joey Newman, 126 South Third Street,
Miamisburg, OH 45342.

Unknown Spouse, if any, of Linda Newman, 126 South Third Street,
Miamisburg, OH 45342.

Unknown Spouse, if any, of Susan Newman, 126 South Third Street,
Miamisburg, OH 45342.

October 29, 2007

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).